

REMARKS/ARGUMENTS

Claims 1-40 and 67 are cancelled.

Support for each amended claim is found at the originally filed claims and throughout the originally filed specification.

Additionally, support for the feature of present Claim 61 “wherein the at least one amphiphilic copolymer does not comprise an ionic water-soluble hydrophilic polymer block” is found, for example, at MPEP 2173.05(i) in combination with page 9, lines 8-9, of the originally filed specification.

MPEP 2173.05(i) describes, in part, “Any negative limitation or exclusionary proviso must have basis in the original disclosure. If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims.”

In the present case, page 9, lines 8-9, of the originally filed specification positively recite a water soluble ionic hydrophilic polymer block. Because a water soluble ionic hydrophilic polymer block is a positively recited alternative element (see for example, page 2, lines 15-20, of the originally filed specification, positively reciting a nonionic hydrophilic polymer block alternative element), the water soluble ionic hydrophilic polymer block may be excluded from the claims under MPEP 2173.05(i).

Upon entry of the amendment, Claims 41-66 and 68-86 will be active, with Claims 41-60, 81-83 and 86 accorded “Withdrawn” status.

No new matter is believed to have been added.

The anticipation rejection of Claims 61-62, 64-73, and 75-80 as being unpatentable in view of L’Alloret is respectfully traversed because L’Alloret does not describe or suggest every feature of present Claim 61 and the claims depending therefrom.

Present Claim 61 is drawn to a composition comprising at least one aqueous phase, at least one lipophilic compound, and at least one block amphiphilic copolymer. Present

Claim 61 contains the features “wherein the at least one amphiphilic copolymer comprises at least one nonionic hydrophilic polymer block and at least one hydrophobic polymer block” and “wherein the at least one amphiphilic copolymer does not comprise a water soluble ionic hydrophilic polymer block.”

Applicants respectfully submit the feature of present Claim 61, “wherein the at least one amphiphilic copolymer does not comprise a water soluble ionic hydrophilic polymer block,” is not described or suggested by L’Alloret and, in fact, that L’Alloret “teaches away from” this claim feature.

L’Alloret, Abstract, describes in part, a “composition comprising at least one aqueous phase including at least one...polymer, of triblock structure B-A-B, in which A is an ionic water-soluble polymer block and B is a hydrophobic polymer block...” (underlining emphasis added).

Because L’Alloret requires the presence of an ionic water-soluble polymer block in L’Alloret’s polymer, and present Claim 61’s copolymer does not contain a water soluble ionic hydrophilic polymer block, L’Alloret does not describe or suggest all of the features of present Claim 61 and the claims depending therefrom. Withdrawal of the anticipation rejection is respectfully requested.

The obviousness rejections of Claims 61 and 63, and Claims 61, 65 and 84, as being unpatentable over L’Alloret are respectfully traversed because L’Alloret does not describe or suggest every feature of present Claim 61 and the claims depending therefrom; and because L’Alloret “teaches away from” a feature of present Claim 61 and the claims depending therefrom.

As described above, present Claim 61 has, as a feature, “wherein the at least one amphiphilic copolymer does not comprise a water soluble ionic hydrophilic polymer block.”

L’Alloret, Abstract, describes in part, a “composition comprising at least one aqueous phase including at least one...polymer, of triblock structure B-A-B, in which A is an ionic water-soluble polymer block and B is a hydrophobic polymer block...” (underlining emphasis added).

Because L’Alloret requires the presence of an ionic water-soluble polymer block in L’Alloret’s polymer, and present Claim 61’s copolymer does not contain a water soluble ionic hydrophilic polymer block, L’Alloret does not describe or suggest all of the features of present Claim 61 and the claims depending therefrom; and in fact, L’Alloret “teaches away from” a feature of present Claim 61 and the claims depending therefrom. Withdrawal of the obviousness rejections is respectfully requested.

The obviousness rejection of Claims 61 and 73-74 as being unpatentable over L’Alloret in view of Guiramand is respectfully traversed. As described above, L’Alloret does not describe or suggest the feature of present Claim 61 and the claims depending therefrom “wherein the at least one amphiphilic copolymer does not comprise a water soluble ionic hydrophilic polymer block.” Further, as described above, L’Alloret “teaches away from” this Claim 61 feature. The disclosure of Guiramand does not cure the deficiencies of L’Alloret. Withdrawal of the obviousness rejection is requested.

The obviousness rejection of Claims 61 and 72 and 85 as being unpatentable over L’Alloret in view of Grollier is respectfully traversed. As described above, L’Alloret does not describe or suggest the feature of present Claim 61 and the claims depending therefrom “wherein the at least one amphiphilic copolymer does not comprise a water soluble ionic hydrophilic polymer block.” Further, as described above, L’Alloret “teaches away from”

this Claim 61 feature. The disclosure of Grollier does not cure the deficiencies of L'Alloret.

Withdrawal of the obviousness rejection is requested.

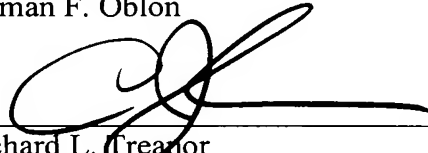
Because the application is deemed in condition for allowance, Applicants respectfully request the Office expand its search to include the non-elected species and rejoin the withdrawn claims.

Applicants submit the present application is now in condition for allowance.

Early notification to this effect is earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Richard L. Treanor', is written over a horizontal line.

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